

ALB  
F# 2012R00826

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**M 12-501**

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UNITED STATES OF AMERICA

COMPLAINT

- against -

PHILIP M. GODEK,

M. No. \_\_\_\_\_  
(18 U.S.C. § 2252(a)(2))

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS.:

DANIELLE MESSINEO, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

On or about and between November 27, 2010 and December 7, 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant PHILIP M. GODEK did knowingly and intentionally receive visual depictions using a means and facility of interstate and foreign commerce, which visual depictions had been mailed, shipped and transported in and affecting interstate and foreign commerce, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct and such visual depictions were of such conduct.

(Title 18, United States Code, Section 2252(a)(2)).

The source of my information and the grounds for my

belief are as follows:<sup>1</sup>

1. I have been a Special Agent of the FBI since January 1995, and am currently assigned to the New York Office. Since 2003, I have been assigned to the Internet Crimes Against Children squad. I have been assigned to investigate violations of criminal law relating to the sexual exploitation of children. I have gained expertise in this area through training in classes and daily work related to conducting these types of investigations. As part of my responsibilities, I have been involved in the investigation of numerous child pornography cases and have reviewed thousands of photographs depicting children (less than eighteen years of age) being sexually exploited by adults. Through my experience in these investigations, I have become familiar with methods of determining whether a child is a minor. I am also a member of the Eastern District of New York Project Safe Childhood Task Force.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and

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<sup>1</sup> Because the purpose of this complaint and affidavit are merely to establish probable cause to arrest, I have not set forth all of the facts and circumstances concerning this investigation of which I am aware.

substance and in part..

**THE INVESTIGATION**

3. On or about May 4, 2012, John and Jane Doe ("the Does"), individuals whose identity is known the United States Attorney, the landlords of an apartment rented to the defendant PHILIP M. GODEK in Nesconset, New York, came forward to the FBI regarding child pornography discovered by them in GODEK's apartment.

4. According to the Does, they had rented the apartment to defendant PHILIP M. GODEK for approximately the past 13 years. The Does indicated that they had not seen Godek for the past approximately 3 weeks and that he had not paid his rent for approximately 3 months. Thereafter, on or about May 4, 2012, the Does entered the apartment responding to an alarm therein. While within GODEK's apartment, the Does observed what appeared to be computer printouts of child pornography images around the apartment.

5. On May 9, 2012, I and other law enforcement personnel executed a search warrant issued by the Honorable E. Thomas Boyle, United States Magistrate for the Eastern District of New York, on the Nesconset apartment of defendant PHILIP M. GODEK. Within GODEK's apartment, law enforcement personnel located numerous computers and computer-related storage devices, as well as substantial volume of child pornography which appeared to have been printed from Internet websites. One such still image, which is available for the Court's inspection, depicts a photo of a pre-

pubescent boy, approximately 11 to 12 years' old, whose identity is known to law enforcement with his penis exposed.

6. A preliminary forensic examination of items of computer equipment found in the apartment of defendant PHILIP M. GODEK has been conducted. That preview has confirmed the presence of numerous images and videos of apparent child pornography. Two such video files, which are available for the Court's inspection, and which were downloaded by defendant GODEK between November 27, 2010 and December 7, 2010, included the following:

- a. The video file titled "(Luto) Anpemo-1.wmv," which is approximately one minute and thirty seconds in length, depicts three boys, approximately 10 to 13 years' old, engaged in oral sex and sexually explicit activity; and
- b. The video file titled "(Luto) Peja-3.wmv," which is approximately one minute and six seconds in length, depicts two boys, approximately 10 to 12 years' old, engaged in oral sex and sexually explicit activity.

#### **THE INTERVIEW OF DEFENDANT GODEK**

7. On or about May 23, 2012, defendant PHILIP M. GODEK was interviewed following a waiver of his Miranda rights, stating in sum and substance and in relevant part that he had been collecting pictures of teen boys for a very long time, that he obtained images from the internet, that he prefers boys aged 14 and older, but has occasionally downloaded images of younger boys, that he masturbates to the images, that he had printed out the images over the years, kept copies of the pictures and videos on his computers, USB drives and external drives, that he had sent such

pictures to others via e-mail, that he had been sexually attracted to boys since he was a teenager and that he was currently homeless, unemployed and living in his car.

8. Public records show that defendant PHILIP M. GODEK was convicted at trial on April 14, 1982, in Suffolk County Supreme Court, of Promoting an Obscene Sexual Performance by a Child in violation of New York Penal Law Section 263.10, a felony. GODEK was thereafter sentenced to five years' probation.

WHEREFORE, Your affiant respectfully requests that the defendant PHILIP M. GODEK may be dealt with according to law.



Danille Messineo  
Special Agent - FBI

Sworn to before me this  
23<sup>rd</sup> day May, 2012

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THE HONORABLE ARLENE R. LINDSAY  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK